

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO.CR02-00266P

Plaintiff,

PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

v.

SAMMY RAY LEE,

Defendant.

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on August 2, 2005. The United States was represented by Karyn S. Johnson, Defendant was represented by Timothy S. McGarry. The proceedings were recorded on disk.

CONVICTION AND SENTENCE

Defendant had been convicted of Bank fraud on or about November 8, 2002. The Hon. Marsha J. Pechman of this court sentenced defendant to 24 months of confinement, followed by 5 years of supervised release. The court also ordered special conditions for substance abuse, financial disclosure, mental health, restitution of \$23,312 and other conditions: Mandatory Drug Testing, No Firearms or Destructive Devices, Abstinence from Alcohol During and After the Course of Treatment, No New Credit, Prohibited from Possessing Identification in any Other Name, and Prohibited from Driving and/or Owning a vehicle with a Valid Driver's License.

PROPOSED FINDINGS

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1 The conditions of supervised release included requirements that defendant comply with the
2 standard 13 conditions.

3 ALLEGED VIOLATIONS AND THE DEFENDANT'S ADMISSION

4 USPO's Steven M. McNickle and Michael J. Larson alleged in their reports dated January 3,
5 2005 and April 22, 2005, respectively, that Defendant violated the conditions of supervised release
6 in 9 respects:

- 7 (1) Committing the crime of assault-domestic violence on or about April 30, 2004 in
8 violation of a standard condition;
- 9 (2) Committing the crime of driving with a suspended license on or about April 30, 2004,
10 in violation of a standard condition and the special condition requiring he not drive
11 and/or own a vehicle until securing a valid driver's license;
- 12 (3) Consuming alcohol on or before April 30, 2004, in violation of the special condition
13 requiring he abstain from the use of alcohol and/or other intoxicants during and after
14 the course of treatment;
- 15 (4) Committing the crime of Possession of Cocaine Base with Intent to Distribute
16 beginning on or about a date unknown but after April 23, 2004, and continuing
17 through on or about January 31, 2005 in violation of a standard condition;
- 18 (5) Possessing cocaine base on or about January 31, 2005, in violation of standard
19 condition #7;
- 20 (6) Possessing marijuana on or about January 31, 2005, in violation of standard condition
21 #7;
- 22 (7) Committing the crime of Perjury in the First Degree on or about August 26, 2004, and
23 October 15, 2004, and continuing through on or about January 31, 2005, in violation
24 of a standard condition;
- 25 (8) Committing the crime of Misuse of a Social Security Number beginning on or about
26 August 26, 2004, and continuing through on or about January 31, 2005, in violation
27 of a standard condition; and
28

- (9) Possessing a Washington State Driver's License and Identification Card in the name of Charles Savage beginning on or about August 26, 2004, and continuing through on or about January 31, 2005, in violation of the special conditions of supervised release prohibiting him from obtaining any driver's license, social security number, birth certificate, passport, or any other form of identification in any other name other than his true legal name.

At an initial hearing, I advised the defendant of these charges and of his constitutional rights. At today's hearing the defendant admitted the violations nos. 4 - 9 waived any hearing as to whether it occurred, and the Government has agreed to dismiss violations nos. 1 - 3, this matter is set for a disposition hearing before the Hon. Marsha J. Pechman.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as stated above, and set the matter for a disposition hearing.

Defendant has been detained pending a final determination by the court.

DATED this 2nd day of August, 2005.

s/ Monica J. Benton

MONICA J. BENTON
United States Magistrate Judge

cc:	Sentencing Judge	:	Hon. Marsha J. Pechman
	Assistant U.S. Attorney	:	Karyn S. Johnson
	Defense Attorney	:	Timothy S. McGarry
	U. S. Probation Officer	:	Michael J. Larson